

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James R. McKethen

Docket No. 5:14-MJ-2138

Petition for Action on Probation

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James R. McKethen, who, upon an earlier plea of guilty to Driving While Impaired - Level 5, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on February 4, 2015, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Mr. McKethen was ordered to complete 24 hours community service and he has failed to do so. His probation is scheduled to expire on February 3, 2016. He is being supervised in the Middle District of North Carolina by U.S. Probation Officer Karen Tremblay. Officer Tremblay states that the defendant suffers from numerous health problems that may have added to his delinquency but he has failed to provide any written verification of these medical problems. Additionally, McKethen submitted a urine sample on January 4, 2016, that was positive for marijuana use. Officer Tremblay has recommended to extend supervision for a period of six (6) months. This will allow him time to complete the community service and receive treatment through the V.A. in Asheville.

The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The term of probation is extended six (6) months, to expire August 3, 2016.

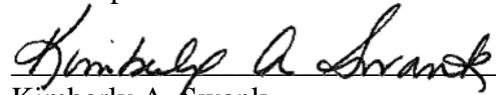
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Supervising U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 11, 2016

ORDER OF COURT

Considered and ordered this 11th day of January, 2016, and ordered filed and made a part of the records in the above case.



Kimberly A. Swank
U.S. Magistrate Judge